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To: Kaplan, Robert; Korleski, Christopher; Shapiro, Mike; Best-Wong, Benita
Cc: Burdett, Cheryl; Winn, G. Dean; Kuefler, Patrick; Klassman, Debra; Grubb, Christopher; Sarah Geers; Scott Laeser; Evan Feinauer; Tarah Heinzen; Thomas Pov; Dean Hoegger
Subject: KEWAUNEE: DNR legislative Audit Wisconsin DNR Environmental cases referred to DOJ decline
Date: Monday, April 10, 2017 8:37:20 AM
Attachments: October 14 2014 Kewaunee Cares Spreadsheet-3.xlsx

The DNR legislative Audit, June 2016, "DNR ignoring its own rules on Water Pollution". The photo used here was taken by myself, at the J Hall Calf Ranch CAFO production area --- its overflowing containment left the storage area, ran into the front ditch, and directly into the East Twin River, [which is on the EPA's Impaired waters list]. *No violation was found*, and interestingly enough, the open feed bag in the background seemed to be of greatest concern... even to the EPA. Water testing results taken from the ditch attached.

http://host.madison.com/wsj/news/local/govt-and-politics/state-audit-finds-dnr-ignoring-own-rules-on-water-pollution/article_b4471e0f-538d-5a4e-938e-2972a65d071f.html

Wisconsin DNR cases referred to DOJ decline, April 2017.

<http://www.jsonline.com/story/news/politics/2017/04/03/wisconsin-dnr-environmental-cases-referred-attorney-general-decline/99868122/>

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Wisconsin DNR environmental cases referred to attorney general decline

Lee Bergquist, Milwaukee Journal Sentinel 8:07 a.m. CT April 3, 2017



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(Photo: Mark Hoffman / Milwaukee Journal Sentinel)

The Department of Natural Resources referred sharply fewer cases for prosecution to the attorney general's office last year, DNR records show.

By contrast, other measures of early-stage enforcement by the DNR increased in 2016 --- signs reflecting the agency's efforts to prod polluters into compliance and head off

pollution problems early, according to Secretary Cathy Stepp.

Still, referrals are the most serious environmental cases handled by the DNR. The decline mirrors a large drop in financial penalties paid in settlements with the Department of Justice last year.

The Milwaukee Journal Sentinel reported on March 26 that cases involving financial penalties handled by the Justice Department fell to \$449,253 in 2016 --- the lowest level in at least 22 years and down from the next lowest year of \$734,127 in 2015.

Under Attorney General Brad Schimel, annual financial penalties have averaged lower than his Republican predecessor J.B. Van Hollen, and the two previous attorneys general who were Democrats.

The Journal Sentinel also reported that a 2016 air pollution case against 3M Corp. in Wausau represented the first time under Schimel the Justice Department allowed a company to invest in upgrades to a facility but avoid paying a financial penalty as part of the settlement.

Schimel and Stepp were questioned about their agencies' handling of environmental cases last week during legislative budget hearings.

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Enforcement has trended down since 2011 with the election of Gov. Scott Walker and Republican control of state government. That has troubled many Democrats and environmentalists who see the DNR and Justice Department as being too lenient.

During a Thursday meeting of the Joint Finance Committee, Rep. Katrina Shankland (D-Stevens Point) asked whether the DNR was "turning a blind eye to polluters and letting them off the hook."

She cited 2015 figures showing fewer financial penalties and a smaller number of environmental cases.

Newer figures for 2016 show the DNR referred 25 cases to the Department of Justice — down 36% from the 39 cases referred to the attorney general in 2015, according to records provided to the Journal Sentinel.

Last year's referrals also were down from an average of 33 between 2011 and 2015, according to agency records.

"There isn't much happening in deterring people from doing harm to our environment," Shankland told Stepp. "Isn't that the job of the DNR, to protect our natural resources?"

Stepp said her approach since taking over the agency in 2011 has been to ensure environmental laws are followed and to create a less adversarial relationship with the people the DNR regulates. Stepp is a former Republican state senator and homebuilder from Racine County.

"What we have been focusing on the last several years is to be much more proactive with producers across the economic spectrum to make them understand what the rules and standards and regulations are," she said.

A "protracted, long, drawn-out DOJ process is not really serving the public and the environment as well as being able to engage earlier with the producers when they have a challenge," Stepp said.

While not providing specifics, Stepp told lawmakers that early-stage enforcement work by the DNR bears this out.

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DNR figures from 2016 provided to the Journal Sentinel show:

- The DNR is working on more cases. It accepted 310 cases compared with an average 252 between 2011 and 2015.
- It has issued more formal letters notifying parties that they are violating environmental laws. The number of notices of violations totaled 335 compared with a five-year average of 277.
- DNR personnel are meeting more with violators. The number of enforcement conferences was 306. That compares with the 234 annual average over the period.

These figures are telling, according to Steve Sisbach, the DNR's chief of environmental enforcement. The early-stage levels of enforcement help

"achieve compliance more quickly," Sisbach said in an email.

On Wednesday, Schimel defended his handling of environmental cases since he took office in 2015, including the 3M case.

"For me, this is an easy call," Schimel said. "We didn't think that a forfeiture going into the school fund was as significant as getting them to permanently improve the environment and save jobs in Wausau."